

REZONING(S):
SPECIAL USE PERMIT(S):
RZ-2010-004
SUP-2010-002

**CITY OF SUWANEE
REZONING AND SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: RZ-2010-004
SUP-2010-002

REQUEST: R-100 (RESIDENTIAL SINGLE FAMILY DISTRICT) TO C-2A (SPECIAL COMMERCIAL DISTRICT – ALCOHOL SALES) & CARWASH IN THE C-2A ZONING DISTRICT

LOCATION: 3359 LAWRENCEVILLE-SUWANEE ROAD

TAX ID NUMBER: 7-194-005

ACREAGE: 3.96 ACRES

PROPOSED DEVELOPMENT: RZ-2010-004: 5,668 SF CONVENIENCE STORE WITH GASOLINE CANOPY
SUP-2010-002: 4,900 SF CARWASH FACILITY

APPLICANT: QUIKTRIP CORPORATION
C/O ANDERSON, TATE & CARR, P.C.
1960 SATELLITE BLVD., SUITE 4000
DULUTH, GA 30097

OWNER: EUGENE WALLS
3359 LAWRENCEVILLE SUWANEE RD.
SUWANEE, GA 30024

CONTACT: MICHAEL L. SULLIVAN

CONTACT PHONE: 770-822-0900

**RECOMMENDATION: SUP-2010-002: DENIAL
RZ-2010-004: DENIAL AS PROPOSED**

PROJECT DATA:

The applicant requests a rezoning on a 3.96-acre site from R-100 (Residential Single Family District) to C-2A (Special Commercial District-Alcohol Sales) to allow for a convenience store with accessory gas pumps. In addition, the applicant requests a Special Use Permit on a portion of the site to allow for a future carwash facility. The subject site currently contains a single family detached residence and several accessory buildings located at 3359 Lawrenceville-Suwanee Road.

The site is located at the intersection of Lawrenceville-Suwanee Road and Satellite Boulevard. Access is proposed from one right-turn-in/right-turn-out only entrance along Satellite Boulevard and from one unrestricted entrance along Lawrenceville Suwanee Road. The Lawrenceville Suwanee Road entrance will require a cut through the existing median and removal of several median trees subject to GDOT approval. The subject property is an R-100 zoned tract and is currently used as a single family residence. The applicant proposes to construct an approximately

5,668 square foot convenience store including a “restaurant” component and a canopy including ten gas pumps. In addition, the applicant is requesting a special use permit to construct a future 4,900 square foot carwash facility including twenty-three vacuum stations and a canopy.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use. In this case the specified use would allow for a carwash facility.

DEVELOPMENT COMMENTS:

The following comments are provided to make the developer aware of certain pertinent issues. This is not intended to serve as an all-inclusive list of comments. If approved, the City will formally review the project during the normal development and/or building review process that could result in changes to the proposed plan.

The City regulates parking for commercial uses based on the type of use and the square footage of the building. It appears that variances from the City’s parking regulations will be necessary as currently proposed.

The City regulates landscaping and tree preservation on nonresidential sites. The applicant should be prepared to meet these requirements. It appears that variances from the City’s Buffer, Landscape and Tree Preservation Requirements will be necessary as currently proposed related to specimen tree density replacement, landscape strip width and parking lot trees.

The City of Suwanee Development Regulations require stormwater systems to address stormwater quality, stormwater quantity and channel protection. The applicant should be prepared to meet all of the stormwater requirements. The applicant is currently pursuing off-site detention. If the proposed off-site detention facility does not adequately serve the subject property, then the site plan will be significantly altered.

The developer should be aware that the City has Architectural Standards. The project should be prepared to comply with these standards.

ANALYSIS:

The subject property is an approximate 3.96 acre site located at the northwest corner of the intersection of Lawrenceville-Suwanee Road and Satellite Boulevard. The site is currently used as a single family residence and includes a single family home, accessory structures and numerous mature trees, both hardwoods and pines. As currently proposed, it does not appear that the site can support the proposed uses without variances from the City’s zoning regulations.

The subject property is located at the intersection of the highly commercialized Lawrenceville-Suwanee Road corridor and the industrial Satellite Boulevard corridor. It is surrounded by intensive non-residential uses. To the west of the subject property, across Lawrenceville-

Suwanee Road, is a retail shopping center, zoned C-2A. To the east of the subject property is a warehouse facility zoned M-1. To the north of the subject property is a retail shopping center, zoned PMUD that permits uses in the C-2A zoning district and office buildings, zoned PMUD that permit uses in the O-I zoning district. To the south of the subject property, across Satellite Boulevard are C-2A zoned parcels developed with a bank and a Wal-Mart Shopping Center.

It should be noted that the City's Alcohol Beverage Regulations require distance separation from places that sell alcohol and certain other land uses. The regulations prohibit alcohol sales within 300 feet of a church or 600 feet of a school. No uses currently exist near the subject property that would prohibit such sales.

The City's Future Land Use Plan recommends Parks/Recreation/Preservation uses for this site. The proposed convenience store and carwash facility are not consistent with this designation. However, the City does not have a current interest and does not anticipate any future interest in acquiring and developing a park at this location. The 2030 Comprehensive Plan designates the area as the Suwanee Gateway Character Area. The plan calls for higher intensity developments in the Suwanee Gateway due to the areas economic potential and proximity to the interstate and other major roadways. It is recommended that the Suwanee Gateway present a strong, positive image of the city that is forward looking and progressive. Nonresidential uses are an appropriate land use in this area. However, with the recent approval of a carwash facility on Lawrenceville Suwanee Road, the concentration of vehicle service establishments threatens the community's vision for the Suwanee Gateway area. A mix of retail and office uses is more appropriate for undeveloped and redeveloping parcels as opposed to concentrated vehicle services. A mix of retail and office uses more closely fits the expectations of the 2030 Comprehensive Plan. While the request is inconsistent with the future landuse plan, if the applicant is able to preserve some of the high profile hardwood trees on site, then that could meet the spirit of the comprehensive plan for this site.

The proposed Special Use Permit request includes a carwash facility with accessory vacuuming stations. According to the applicant's letter of intent, the proposed carwash will be a fully-staffed car wash (i.e. not automated or self-service). These facilities often include an excessive amount of outdoor storage, directional signage and accessory equipment such as trash receptacles and shade structures as well as a significant amount of asphalt coverage for parking and drives. The potential negative visual impact of the carwash and vacuum facilities could adversely impact the desire of the City for this area to present a strong, positive image of the City.

The applicant is proposing to construct a convenience store consisting of a single building totaling 5,668 square feet. In addition, the site will include a canopy with ten gas pumps. The site currently includes several specimen trees that will be removed as part of the development. Several of these trees are very visible and have become a fixture of the area as the property has been used as a single family residence subsequent to development of surrounding properties. Removal of these specimen trees will require the developer to replant more trees than is currently possible on the site, thus requiring a variance from this requirement. However, a site plan could be developed for the convenience store utilizing the available acreage that would mitigate these negative impacts. This revised plan could save several trees, including a few of the highly

visible specimen trees located on the site. Approving a plan that would require deviations from the City's zoning ordinance through the granting of variances is not appropriate when additional acreage is available to accommodate the request with a lesser impact.

In conclusion, the requested Special Use Permit for a carwash facility would not be appropriate at this location. The inclusion of a fully-staffed carwash facility creates negative visual impacts to an area intended to present a strong, positive image. The concentration of vehicle service establishments threatens the community's vision detailed for the Suwanee Gateway area in the 2030 Comprehensive Plan. In addition, the site cannot adequately support the convenience store and carwash facility as currently proposed. By excluding the carwash facility, the applicant could utilize the existing land to accommodate the convenience store while minimizing the need for variances and preserving existing specimen trees. As such, the Planning Department recommends **DENIAL** of SUP-2010-002 and **DENIAL AS PROPOSED** of RZ-2010-004. It is important to note that should the Planning Commission deny the rezoning request then it is not necessary to make a recommendation on the Special Use Permit since carwashes are not allowed in R-100 as a special use.

Planning Department's Recommended Conditions

RZ-2010-004

If the Planning and Zoning Commission wishes to recommend approval of the rezoning request from R-100 to C-2A, the following conditions are recommended:

1. Commercial use shall be limited to a convenience store with restaurant services and gasoline pumps.
2. No vehicular sales, service or rental establishments are allowed.
3. The site shall be limited to a total of no more than one (1) ground sign and one (1) wall sign per building elevation. No additional banners, flags, pennants, balloons, etc. shall be provided, except that the site may be allowed up to two (2) 2.5' X 8' banners for up to 90 day period year pursuant to the city's Temporary Advertising Device stipulations.
4. If a development permit is issued for the site, then a sidewalk shall be provided along all public streets.
5. Any median trees removed from Lawrenceville Suwanee Road shall be replanted as directed by the Planning Director and as approved by any applicable regulatory agencies.
6. The developer shall provide an enhanced landscape/streetscape area at the intersection of Lawrenceville Suwanee Road and Satellite Boulevard. A plan for such landscaping/streetscaping shall be approved by the Planning Director. Said plan should be consistent with the landscaping/streetscaping located at the other three corners of the intersection of Lawrenceville-Suwanee Road and Satellite Boulevard.
7. Inter-parcel access shall be provided to the adjoining parcel on Lawrenceville Suwanee Road.
8. The architecture for all structures and landscaping of the site shall be subject to the approval of the Planning Director.
9. The site plan shall be redesigned to preserve the specimen trees identified on Attachment "C".
10. Outdoor storage or outdoor retail display of goods shall be prohibited.

Planning Department's Recommended Conditions

SUP-2010-002

If the Planning and Zoning Commission wishes to recommend approval of the request for a carwash facility the following conditions are recommended:

1. Special uses on the site shall be limited to an automated carwash facility. No other vehicular services or other special uses are allowed under this special use permit. No activities related to car washing shall be permitted outside the carwash facility except vacuuming and express waxes that do not require extra laborers on site and take place toward the rear of the property.
2. The site shall be limited to a total of no more than one (1) ground sign and one (1) wall sign per building elevation. No additional banners, flags, pennants, balloons, etc. shall be provided, except that the site may be allowed up to two (2) 2.5' X 8' banners for one 30 day period per quarter pursuant to the city's Temporary Advertising Device stipulations.
3. The architecture for all structures and landscaping of the site shall be subject to the approval of the Planning Director.

Standards Governing Exercise of Zoning Power

Pursuant to Section 2006 of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The subject area is heavily commercialized. The convenience store and gasoline pumps could be suitable at this location if this site is properly designed. However, the addition of a carwash facility threatens the community's vision detailed for the Suwanee Gateway area in the 2030 Comprehensive Plan by creating a heavy concentration of automotive service establishments.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

With the recommended conditions, a convenience store with gasoline pumps would not be expected to negatively impact existing uses or usability of adjacent and nearby uses, but the addition of a carwash and vacuum stations will present potential negative impacts.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The subject property has a reasonable economic use as currently zoned.

- D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

Approval of the request likely would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The City's Future Land Use Plan recommends Parks/Recreation/Preservation uses for this site. The proposed convenience store and carwash facility are not consistent with this designation. However, the City does not have a current interest and does not anticipate any future interest in acquiring and developing a park at this location. Additionally, with the preservation of several large hardwood trees the applicant could meet the spirit of the future land use plan.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The subject property includes several mature trees, both hardwoods and pines. Attempting to disturb a greater amount of land than necessary creates the need for excessive variances. The site is also located within the Suwanee Gateway character area as indicated by the 2030 Comprehensive Plan. This area is intended present a strong positive image of the city. The addition of a carwash and vacuum facilities are not consistent with this image.

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF CITY OF SUWANEE, GEORGIA

APPLICANT INFORMATION*		OWNER INFORMATION*	
NAME:	<u>QuikTrip Corporation</u>	NAME:	<u>Eugene Walls</u>
ADDRESS:	<u>c/o Andersen, Tate & Carr</u> <u>1960 Satellite Blvd., Suite 4000</u> <u>Duluth, Georgia 30097</u>	ADDRESS:	<u>c/o Andersen, Tate & Carr</u> <u>1960 Satellite Blvd., Suite 4000</u> <u>Duluth, Georgia 30097</u>
PHONE:	<u>(770) 822-0900</u>	PHONE:	<u>(770) 822-0900</u>
CONTACT PERSON:	<u>Michael L. Sullivan</u>	PHONE:	<u></u>
EMAIL ADDRESS:	<u>msullivan@atclawfirm.com</u>	FAX NUMBER:	<u>(770) 236-9754</u>

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): R-100 REQUESTED ZONING DISTRICT C-2

PROPOSED DEVELOPMENT: Convenience Store with gasoline service pump islands

TAX PARCEL NUMBER(S): 7-194-005

ADDRESS OF PROPERTY: 3359 Lawrenceville-Suwanee Road

TOTAL ACREAGE: 3.96 acres PUBLIC ROADWAY ACCESS: Lawrenceville-Suwanee & Satellite Blvd.

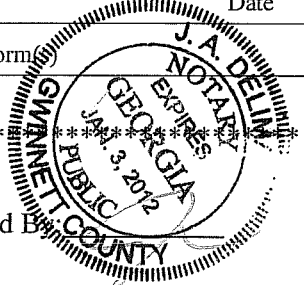
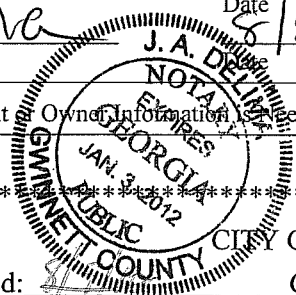
FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: <u></u>	NO. OF BUILDINGS/UNITS: <u>2</u>
DWELLING UNIT SIZE (SQ. FT.): <u></u>	TOTAL GROSS SQUARE FEET: <u>10,568 sq. ft.</u>

CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that pursuant to Section 2004 no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that pursuant to Section 2003 of the Zoning Ordinance any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

<u>Michael L. Sullivan</u> Signature of Applicant* Michael L. Sullivan, Attorney for Applicant Print Name* <u>J. A. Delmonico</u> Signature of Notary	<u>8-5-10</u> Date <u>8/5/10</u> Date	<u>Michael L. Sullivan</u> Signature of Owner* Michael L. Sullivan, Attorney for Owner Print Name* <u>J. A. Delmonico</u> Signature of Notary	<u>8-5-10</u> Date <u>8/5/10</u> Date
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* If Additional Applicant Owner Information is needed Please Complete Additional Application Form



CITY OF SUWANEE USE ONLY

Date Received: 8/5/10 Case No.: RZ-2010-004 Accepted By: via email

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF CITY OF SUWANEE, GEORGIA

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>QuikTrip Corporation</u>	NAME: <u>Eugene Walls</u>
ADDRESS: <u>c/o Andersen, Tate & Carr</u> <u>1960 Satellite Blvd., Suite 4000</u> <u>Duluth, Georgia 30097</u>	ADDRESS: <u>c/o Andersen, Tate & Carr</u> <u>1960 Satellite Blvd., Suite 4000</u> <u>Duluth, Georgia 30097</u>
PHONE: <u>(770) 822-0900</u>	PHONE: <u>(770) 822-0900</u>
CONTACT PERSON: <u>Michael L. Sullivan</u>	PHONE: _____
EMAIL ADDRESS: <u>msullivan@atclawfirm.com</u>	FAX NUMBER: <u>(770) 236-9754</u>

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): R-100 REQUESTED ZONING DISTRICT C-2

PROPOSED DEVELOPMENT: Convenience Store with gasoline service pump islands

TAX PARCEL NUMBER(S): 7-194-005

ADDRESS OF PROPERTY: 3359 Lawrenceville-Suwanee Road

TOTAL ACREAGE: 3.96 acres PUBLIC ROADWAY ACCESS: Lawrenceville-Suwanee & Satellite Blvd.

FOR RESIDENTIAL DEVELOPMENT:	FOR NON-RESIDENTIAL DEVELOPMENT:
NO. OF LOTS/DWELLING UNITS: _____	NO. OF BUILDINGS/UNITS: <u>1</u>
DWELLING UNIT SIZE (SQ. FT.): _____	TOTAL GROSS SQUARE FEET: _____

CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that pursuant to Section 2004 no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that pursuant to Section 2003 of the Zoning Ordinance any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

_____ Signature of Applicant* Michael L. Sullivan, Attorney	<u>Eugene E. Walls</u> Signature of Owner* <u>EUGENE E. WALLS</u> Print Name* <u>Nick M Krause</u> Signature of Notary
_____ Date	_____ Date _____ Date _____ Date

* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

CITY OF SUWANEE USE ONLY

Date Received: 8/5/10 Case No.: R2-2010-004 Accepted By: [Signature]

REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to section 2006 of the 1998 Zoning Ordinance, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

- (A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

- (D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

- (F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal:

PLEASE SEE EXHIBIT "B" ATTACHED HERETO

CITY OF SUWANEE USE ONLY


Date Received: 8/5/10 Case No.: KZ-2010-004 Accepted By: 

EXHIBIT "B"
REZONING & SPECIAL USE APPLICANT'S RESPONSE
QUIKTRIP CORPORATION

- A) WHETHER THE ZONING PROPOSAL WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Yes. The subject property is located at the fully signalized intersection of Satellite Boulevard and Lawrenceville-Suwanee Road (aka Georgia Highway 317), two of the highest traffic volume arterial roads in the City of Suwanee. Each of these roads is a major commercial/industrial/office corridor in its own right and the subject property is located at a major retail/commercial node. In fact, the subject property is the only remaining corner at this intersection not already zoned and developed for commercial use. Nearby properties already feature convenience stores with gasoline pumps, as well as car wash facilities, and those specific uses has proved to be entirely suitable to the other land uses in the vicinity of the subject property, demonstrating the suitability of the uses proposed by this Rezoning Application and Special Use Permit. Therefore, this request proposes a use that is ideally suited to and consistent with the zoning, use and development of adjacent and nearby property.

- B) WHETHER THE ZONING PROPOSAL WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

No, this rezoning request proposes uses that are absolutely compatible with the character of the commercial node and commercial/industrial/office corridor within which the property is located. Convenience stores with gasoline pumps as well as car wash facilities are already located in the immediate vicinity and they have had no adverse effects on other land uses in the surrounding area. The proposed uses are entirely consistent with the uses of adjacent and nearby properties and will not adversely affect those properties.

- C) WHETHER THE PROPERTY TO BE AFFECTED BY THE ZONING PROPOSAL HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

No. The property's location at the fully signalized intersection of two of the highest traffic volume arterial roads in the City of Suwanee, within a well established major commercial/industrial/office corridor at a major retail/commercial node makes use and development of this property under its current R-100 zoning impossible. It would be difficult to imagine any market whatsoever for single-family residential homes on a small 3.96 acre tract located at the signalized intersection of two of the busiest roads in the City of Suwanee with very little depth back from either road frontage.

D) WHETHER THE ZONING PROPOSAL WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

No, this property is located in an area with public water and sewer availability, and direct access to two major thoroughfares (Satellite Boulevard and Lawrenceville-Suwanee Road). Moreover, Convenience stores capture "drive-by" traffic that is already using the roads on which the convenience store is located. Convenience stores are not a "destination" use which draws new traffic from the surrounding area. Since no significant new traffic would be generated by the proposed convenience store, this rezoning will not cause excessive use of existing streets, transportation facilities or utilities and will have absolutely no impact whatsoever on the schools.

E) WHETHER THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

Yes. The City of Suwanee's 2030 Comprehensive Plan / Community Agenda identifies the subject property as an appropriate location for commercial/retail uses.

F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL.

Yes. The property is the last remaining residentially zoned parcel at this well established major commercial node. The other three corners of this intersection have long been zoned and developed for retail/commercial uses. In light of the foregoing, continued use and development of the Property under its current R-100 zoning is practically impossible. Moreover, from a land use perspective, there is no more appropriate location for a convenience store and/or car wash facility than a parcel located within a well established commercial node located at the signalized intersection of two major thoroughfares.

LETTER OF INTENT
FOR REZONING & SPECIAL USE PERMIT APPLICATIONS
BY QUIKTRIP CORPORATION

The Applicant, QuikTrip Corporation (hereinafter, "Applicant"), submits this Rezoning Application for the purpose of rezoning a 3.96 acre tract located at the northeast corner of Lawrenceville-Suwanee Road (a/k/a Georgia Highway 317) and Satellite Boulevard (hereinafter, the "Property") to the C-2 zoning classification. Applicant is also submitting a Special Use Permit to allow a car wash facility on the northern half of the subject property. The Property is currently zoned R-100. The Applicant is proposing to build a convenience store with gasoline pumps and an adjacent car wash as shown on the submitted site plan.

The proposed convenience store will consist of a single building totaling 5,668 square feet. The proposal calls for a total of 10 gas pumps located under a canopy. The proposed car wash will be a fully-staffed car wash (i.e. not automated or self-service) totaling 4,900 square feet.

The subject property is located at the fully signalized intersection of two of the highest traffic volume arterial roads in the city of Suwanee. Each of these roads is a major commercial/industrial/office corridor in its own right and the subject property is located at a major retail/commercial node. The subject property is the only remaining corner at this intersection not already zoned and developed for commercial use. Nearby properties already feature convenience stores with gasoline pumps and that specific use has proved to have no adverse impacts on surrounding properties and has a demonstrated history of being entirely suitable and even complementary to the other land uses in the Suwanee Gateway area. This further shows the suitability of the use proposed by this Rezoning Application for this area.

This request is consistent with the use and development of adjacent and nearby properties in the vicinity of the subject Property, which include numerous commercial/retail uses including convenience stores with gasoline pumps. This request would also be consistent with prior Mayor & Council precedent in rezoning those similarly situated properties in this area to commercial/retail and convenience store uses. The City of Suwanee's 2030 Comprehensive Plan / Community Agenda identifies the subject property as an appropriate location for commercial/retail uses.

The proposed use is consistent with the intent of the Zoning Ordinance for C-2 retail and office uses. The property has access to a public water supply, public sanitary sewer, and convenient direct access to collector streets, major thoroughfares and state and interstate highways.

Most importantly, the subject property has absolutely no reasonable economic use as currently zoned R-100. It would be difficult to imagine any market whatsoever for single-family residential homes on a relatively small 3.96 acre tract located at the signalized intersection of two of the busiest roads in the City of Suwanee with very little depth back from either road frontage. In light of the foregoing, use and development of the Property under its current R-100 zoning would be extremely difficult, if not economically and practically impossible.

RZ-2010-004

The development of the property as a convenience store is appropriate to the subject tract and is entirely consistent with the zoning, use and development of the adjacent and surrounding properties.

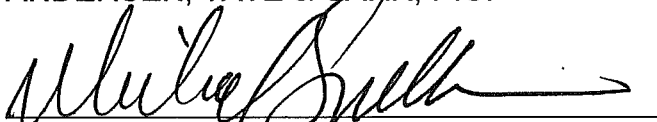
CONCLUSION

QuikTrip is a different kind of convenience store. They have built a brand with an unparalleled reputation for clean, well-lit stores, staffed by friendly and helpful employees. QuikTrip's mission statement rings true to anyone who has visited one of their stores: *"To be the best gasoline, convenience, and food retailer in the eyes of our customers, our competitors, and our employees."*

QuikTrip's slogan *"Quality in Everything We Do. We Guarantee It"* is one that can also be applied to this rezoning proposal. QuikTrip is committed to building a quality convenience store to serve the City of Suwanee and its residents. Applicant and its representatives welcome the opportunity to meet with the staff of the City of Suwanee Department of Planning to answer any questions or to address any concerns. Applicant respectfully requests your approval of this Application.

This 4th day of August, 2010.

Respectfully submitted,
ANDERSEN, TATE & CARR, P.C.



Michael L. Sullivan
Attorneys for Applicant

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has read and complied with the Official Code of Georgia Section 36-67A-1, et.seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Michael Sullivan 8-5-10
 Signature of Applicant Date

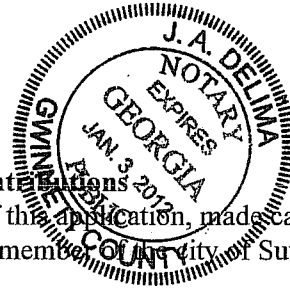
Michael L. Sullivan, Attorney for Applicant
 Type or Print Name and Title

Michael Sullivan 8-5-10
 Signature of Applicant's Attorney or Representative Date

Michael L. Sullivan, Attorney for Applicant
 Type or Print Name and Title

J. A. Delima 8/5/10
 Signature of Notary Public Date

Notary seal



Disclosure of Campaign Contributions

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City Council or a member of the City of Suwanee Planning Commission?

No _____ yes/no

QuikTrip Corporation
 Your Name

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contributions was made (within last two years)

*Attach additional sheets, if necessary to disclose or described all contributions.

CITY OF SUWANEE USE ONLY

Date Received: 8/5/10 Case No.: RZ-2010-004 Accepted By: [Signature]

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has read and complied with the Official Code of Georgia Section 36-67A-1, et.seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Michael Sullivan 8-5-10
 Signature of Applicant Date

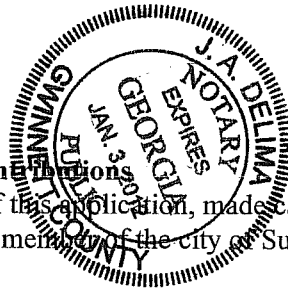
Michael L. Sullivan, Attorney for Applicant
 Type or Print Name and Title

Michael Sullivan 8-5-10
 Signature of Applicant's Attorney or Representative Date

Michael L. Sullivan, Attorney for Applicant
 Type or Print Name and Title

J. A. Delima 8/5/10
 Signature of Notary Public Date

Notary seal



Disclosure of Campaign Contributions

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City Council or a member of the city of Suwanee Planning Commission?

No _____ yes/no

Andersen, Tate & Carr, P.C.

Your Name

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contributions was made (within last two years)

*Attach additional sheets, if necessary to disclose or described all contributions.

CITY OF SUWANEE USE ONLY

Date Received: 8/5/10 Case No.: R2-2010-004 Accepted By: J. A. Delima

**AMENDMENT TO AN APPLICATION TO AMEND THE OFFICIAL
ZONING MAP OF THE CITY OF SUWANEЕ, GEORGIA**

APPLICANT: QuikTrip Corporation

ZONING CASE NUMBER: _____
SPECIAL USE PERMIT CASE NUMBER: _____

PRESENT ZONING DISTRICT(S): R-100

REQUESTED ZONING DISTRICT(S): C-2 with an SUP for Car Wash

PROPERTY: Northeast corner of Lawrenceville-Suwanee Road (a/k/a Georgia Highway 317) and Satellite Boulevard.

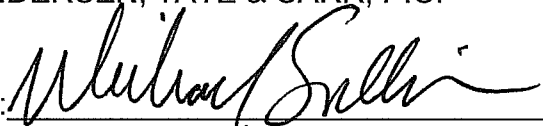
SIZE: 3.96 acres

PROPOSED DEVELOPMENT: (1) Convenience Store with gasoline service pump islands and (2) Car Wash

The Applicant, QuikTrip Corporation, hereby amends its Rezoning Application filed herewith the Planning Department of the City of Suwanee, Georgia by the addition of the attached Constitutional Objections/Justification for Rezoning which shall be considered an amendment to the original application.

This 4th day of August, 2010.

ANDERSEN, TATE & CARR, P.C.

By: 
Michael L. Sullivan
Attorneys for Applicant

CONSTITUTIONAL OBJECTIONS / JUSTIFICATION FOR REZONING

The portions of the Zoning Ordinance of the City of Suwanee which classify or may classify the property which is the subject of this Application (the "Property") into any less intensive zoning classification and/or zoning conditions other than as requested by the Applicant in the Rezoning Application and/or Special Use Permit, are or would be unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the Zoning Ordinance of the City of Suwanee as applied to the subject Property, which restricts its use to the present zoning classification is unconstitutional, illegal, null and void, constituting a taking of the Applicant's and the Owner's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

The Property is presently suitable for development under the zoning classification and special use requested by the Applicant, and is not economically suitable for development under its present zoning classification due to its location, surrounding development and other factors. A denial of either the Rezoning Application and/or Special Use Permit would constitute an arbitrary and capricious act by the Mayor & Council of the City of Suwanee without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I and Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.


A refusal by the Mayor & Council of the City of Suwanee to approve the Applicant's requested Rezoning Application and/or Special Use Permit, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any rezoning of the subject Property subject to conditions which are different from the conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's and the Owner's utilization of the subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

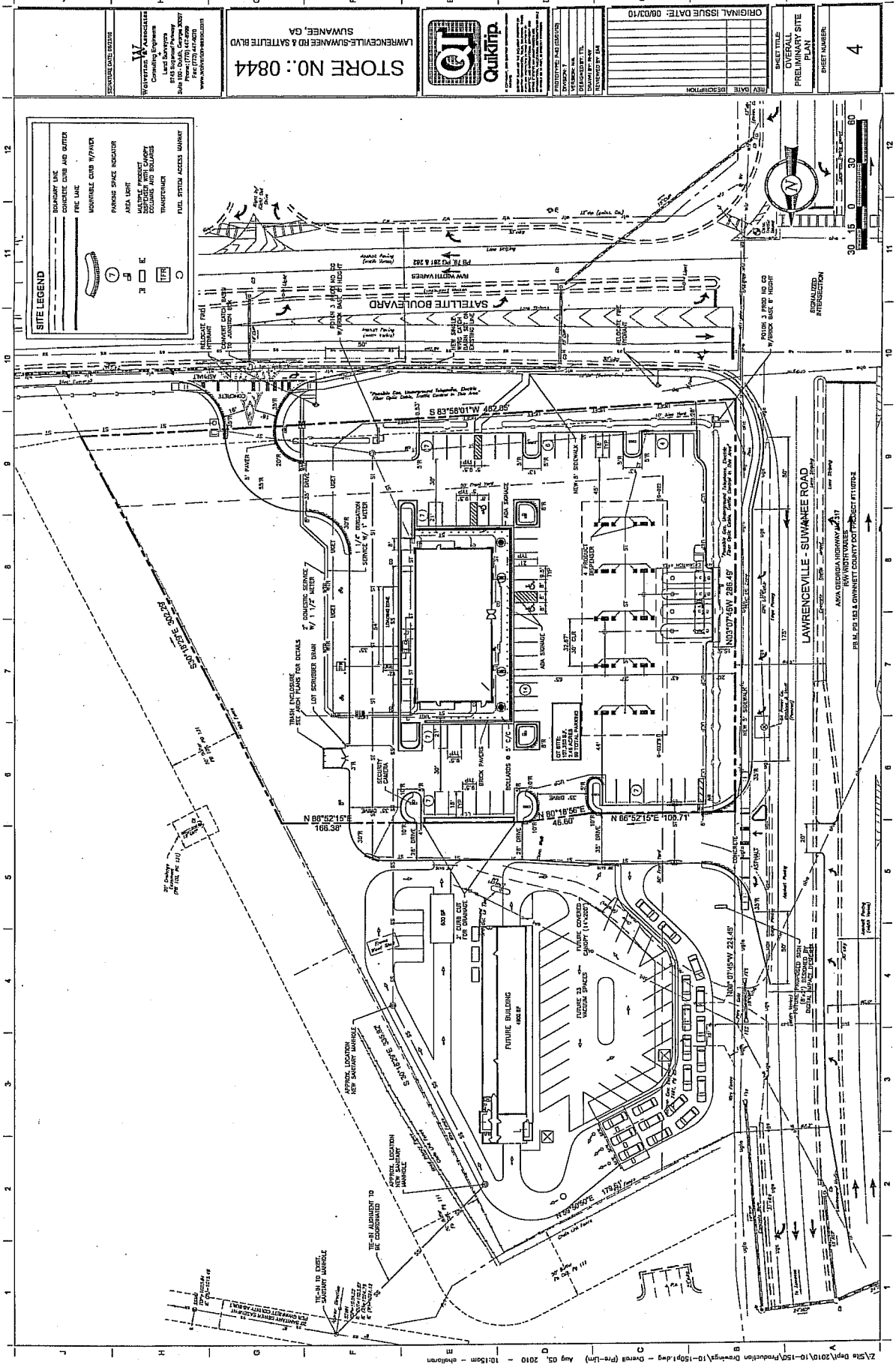
Accordingly, the Applicant respectfully requests that the Rezoning Application and Special Use Permit submitted by the Applicant relative to the Property, as amended, be approved and that the Property be rezoned to the zoning classification shown above with the requested special use.

Respectfully submitted,

ANDERSEN, TATE & CARR, P.C.

By:


Michael L. Sullivan
Attorneys for Applicant



SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- FIRE LAKE
- MANHOLE COVER W/PAVER
- PARKING SPACE INDICATOR
- MULTIPLE PRODUCT AREA LIGHT
- TRANSFORMER
- FUEL SYSTEM ACCESS BARrier

STORE NO.: 0844
 LAWRENCEVILLE-SUWANEE RD & SATELLITE BLVD
 SUWANEE, GA



Quiltra
 PROFESSIONAL ARCHITECTURE
 2000 W. BIRCHWOOD DR.
 SUWANEE, GA 30078
 TEL: (770) 441-4000
 WWW.QUILTRA.COM

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE: 08/03/10

SHEET TITLE
OVERALL PRELIMINARY SITE PLAN
 SHEET NUMBER
4

R2-2010-004



QuikTrip Suwanee Specimen Tree Evaluation

Warranty Disclaimer:

No warranties express or implied are made with respect to the report of aforementioned specimen trees. It is understood the OWNER makes use of this report by the ARBORIST at OWNER's sole risk and that the report is provided as best judgment opinion. In no manner does this report guarantee the life or imply any length of life span of the trees that are determined to be specimens.

Arborist Note:

Due to certain species and undesirable traits, some trees shall be considered in poor condition if the following is true. Numerous trees grown in a native setting may appear to grow as multi-trunk; however this is not desirable in most trees. Most trees that have multi-trunks at the base are usually created when two separate trees grow together or the tree branches off at an early age and they become Co-Dominate Leaders. Either scenario is an undesirable condition for most trees because they both create weak crotches, included bark and/or a prime place for debris and water to get trapped that will always cause decay. In this case these trees become a life safety issue and can not be considered specimen trees.

Some trees are an exception to this rule, such as, but not limited to:

Crape Myrtles, Birches, Wax Myrtles, Red Buds, Fringe Trees, Dogwoods, Hollies, Cedars, Sourwoods, Sweet Bay Magnolias, Red Bays and Live Oaks.

These are an exception because they naturally create sucker growth from the roots and/or trunk or do not typically have the life safety issues because they are not large growing trees.

Reference: Sinclair, Wayne A., 1936. Diseases of Trees and Shrubs / Wayne A. Sinclair and Howard H. Lyon.-2nd ed. Published 2005



LAND PLANNING

CIVIL ENGINEERING

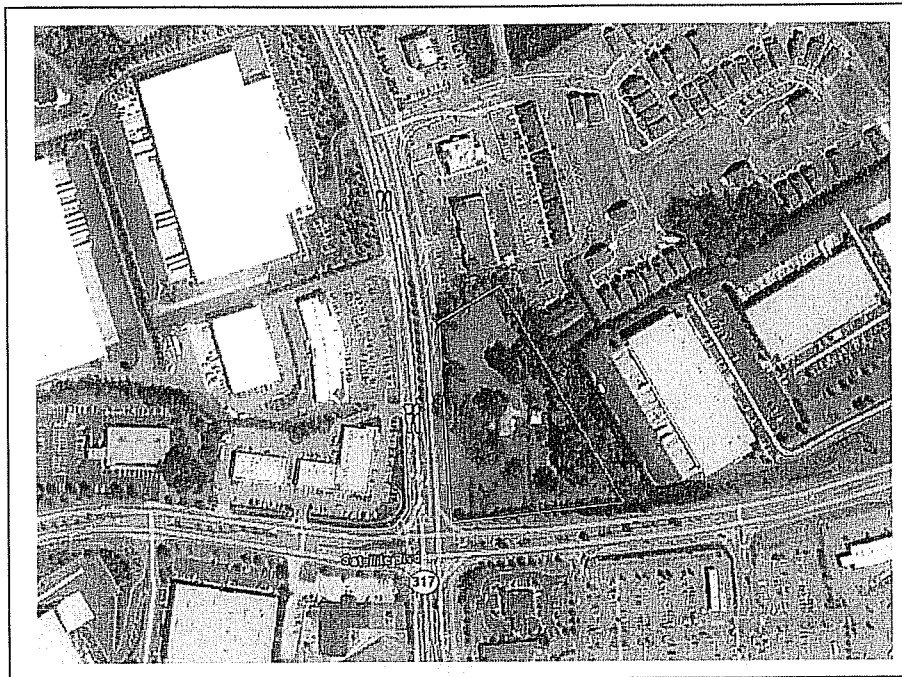
LANDSCAPE ARCHITECTURE

770-641-1942

WWW.AECATL.COM



QuikTrip Suwanee Specimen Tree Evaluation



Land Lot 194, 7th District, City of Suwanee, Georgia
Reference City of Suwanee Zoning Ordinance, Section 1704.9 Specimen Trees

All following information is based upon field observation and practical horticulture and landscape architectural experience. No scientific or lab tests have been performed. I certify that all information in this report is true and inclusive to the best of my knowledge and is prepared in good faith.

Joy C. Valerio, ISA Certified Arborist

AEC, Inc.

On Site Specimen Evaluation Date: August 10, 2010

Report Date: August 11, 2010



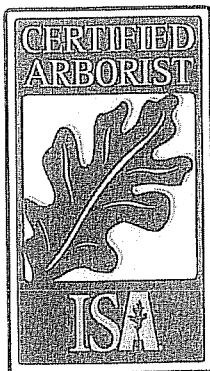
LAND PLANNING

CIVIL ENGINEERING

LANDSCAPE ARCHITECTURE

770-641-1942

WWW.AECATL.COM



Joy C. Valerio, ISA Certified Arborist

Certificate Number: SO-6284A

50 Warm Springs Circle

Roswell, Georgia 30075-4937

770-641-1942 Phone

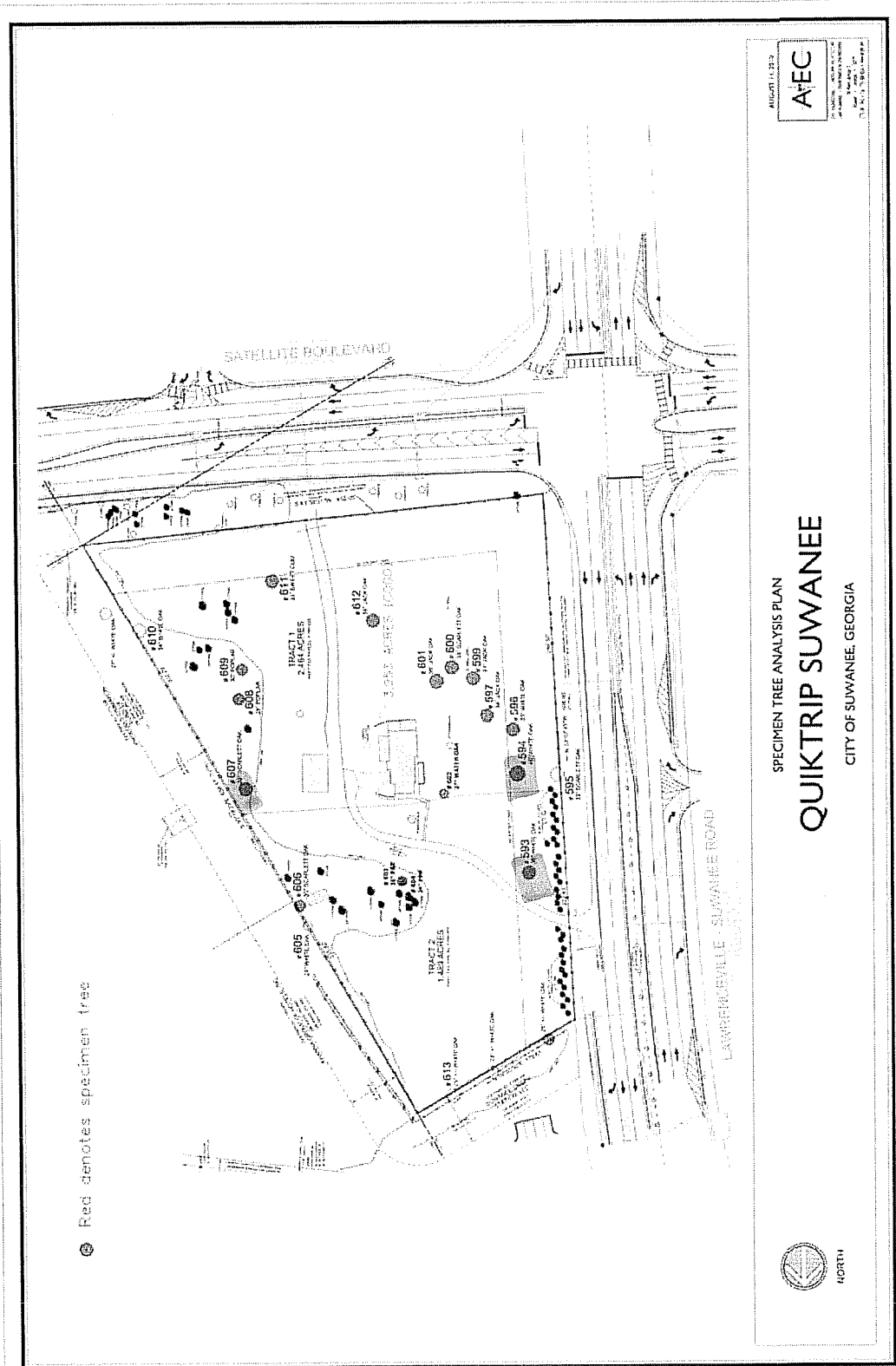
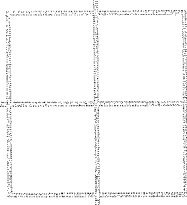
678-990-2386 Direct

770-998-6924 Fax

Exhibit "C"



QuikTrip Suwanee Specimen Tree Evaluation



SPECIMEN TREE ANALYSIS PLAN
QUIKTRIP SUWANEE
 CITY OF SUWANEE, GEORGIA



LAND PLANNING

CIVIL ENGINEERING

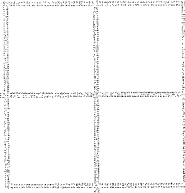
LANDSCAPE ARCHITECTURE

770-641-1942

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QuikTrip Suwanee Specimen Tree Evaluation



Appendix A Specimen Analysis for Quik Trip Suwanee August 10, 2010/Site Conditions: Sunny 86°					
Tree #	Size/ Species	Condition	Specimen	Comments	Photo # (See Attached)
593	36" White Oak	Good	Yes		
594	46" White Oak	Good	Yes		
595	33" Scarlett Oak	Poor	No	Lightning damage - hollow trunk	1,2
596	33" White Oak	Good	Yes		
597	34" Jack Oak	Good	Yes	Broken limb needs removing	
599	31" Jack Oak	Good	Yes		
600	39" Scarlett Oak	Good-Fair	Yes	Main leader bows; some indication root rot	3,4
601	38" Jack Oak	Good	Yes		
602	27" Water Oak	Good	Yes		
603	26" Pine	Good	Yes		
604	26" Pine	Poor	No	Severe wound to trunk has caused structural damage	5,6
605	24" White Oak	Poor	No	Severe limb dieback	7
606	30" Scarlett Oak	Good	Yes		
607	32" Scarlett Oak	Good	Yes		
608	28" Poplar	Fair	Yes	Some major limbs dieback/stress brancing	
609	30" Poplar	Good	Yes		
610	34" White Oak	Fair	No	Co-Dominate Leaders with included bark; Multi-stem trees with included bark are inherently weak and should be removed.	8,9
611	33" Sweet Gum	Good	Yes		
612	30" White Oak	Good	Yes		
613	25" +/- White Oak	Poor	No	Over fence/off property	10,11
no tag	28" +/- White Oak	Poor	No	Over fence/off property	12
no tag	34" +/- White Oak	Fair	Yes	Over fence/off property	



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QuikTrip Suwanee Specimen Tree Evaluation

1998 ZONING ORDINANCE OF THE CITY OF SUWANEE (Revision November 30, 2009)

SECTION 1704.9 Specimen Trees.

1704.9.1 Identification

Some trees on a site warrant special consideration due to their species, distinctive form, appearance, rarity, historical significance, age, ecological value, or other unique characteristic. These trees are referred to as specimen trees. As such, these trees should be preserved.

The following criteria are used by the City of Suwanee to identify specimen trees. Size, appearance, health, and overall condition criteria must be met for a tree to qualify.

Size Criteria

- Large Hardwoods: 24-inch diameter or larger
- Large Softwoods: 24-inch diameter or larger
- Small Trees (See Article III, Definitions): 12-inch diameter or larger

Condition Criteria

- Life expectancy of greater than 15 years.
- Relatively sound and solid trunk with no extensive decay.
- No more than one major and several minor dead limbs (hardwoods only).
- No major insect or pathological problem.
- The tolerance of the species to changes in the site.
- The future level of maintenance that will be required.
- Well defined broad canopy
- Full branching throughout

If a tree does not meet the size criteria but is shown to be a rare species, have historical significance, ecological value, or other unique characteristics, the City may deem the tree to be a specimen tree.



LAND PLANNING

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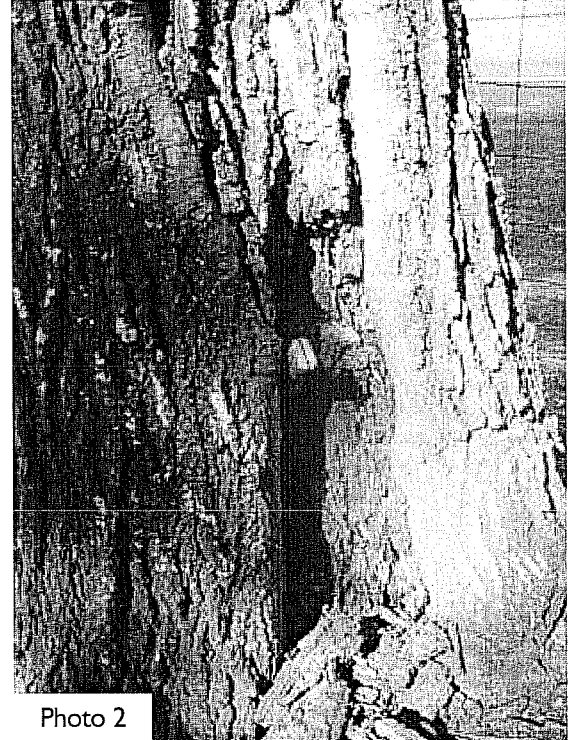
LANDSCAPE ARCHITECTURE

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QuikTrip Suwanee Specimen Tree Evaluation



A-EC

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CIVIL ENGINEERING

LANDSCAPE ARCHITECTURE

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QuikTrip Suwanee Specimen Tree Evaluation



Photo 5



Photo 6



Photo 7

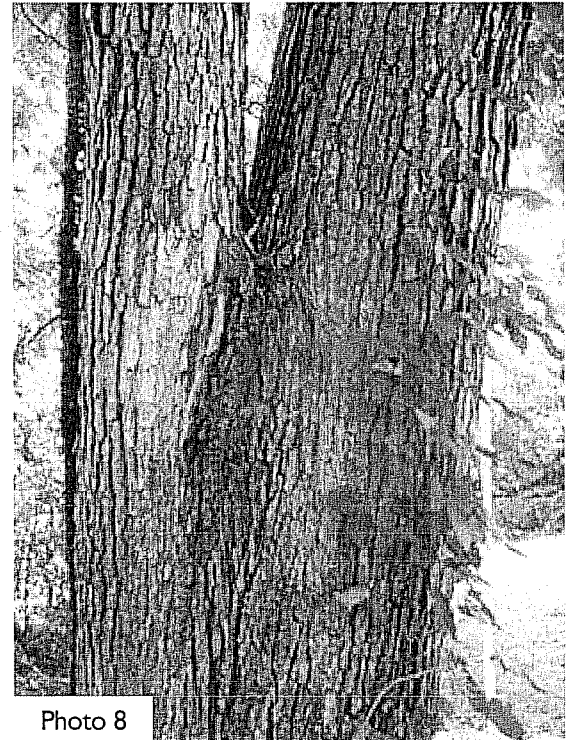


Photo 8

A-EC

LAND PLANNING

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LANDSCAPE ARCHITECTURE

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QuikTrip Suwanee Specimen Tree Evaluation

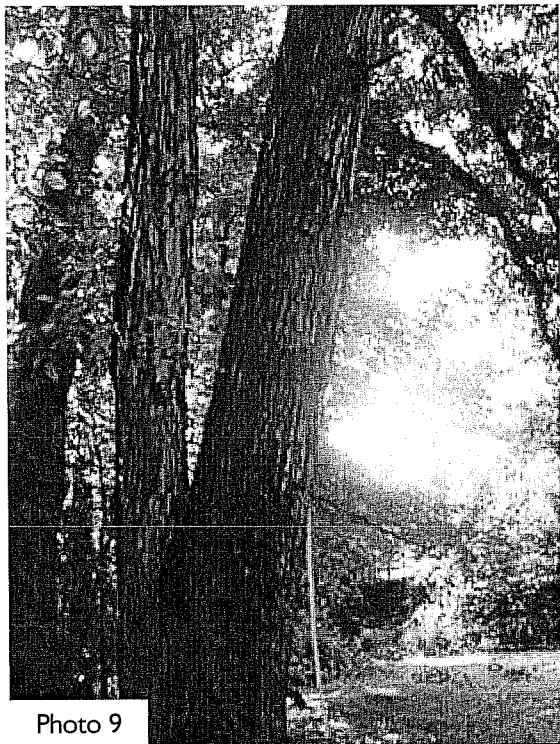


Photo 9

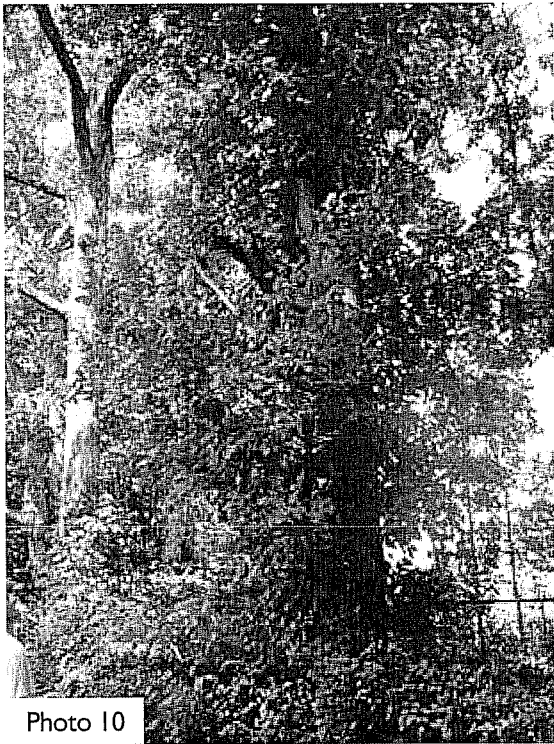


Photo 10



Photo 11



Photo 12

A-EC

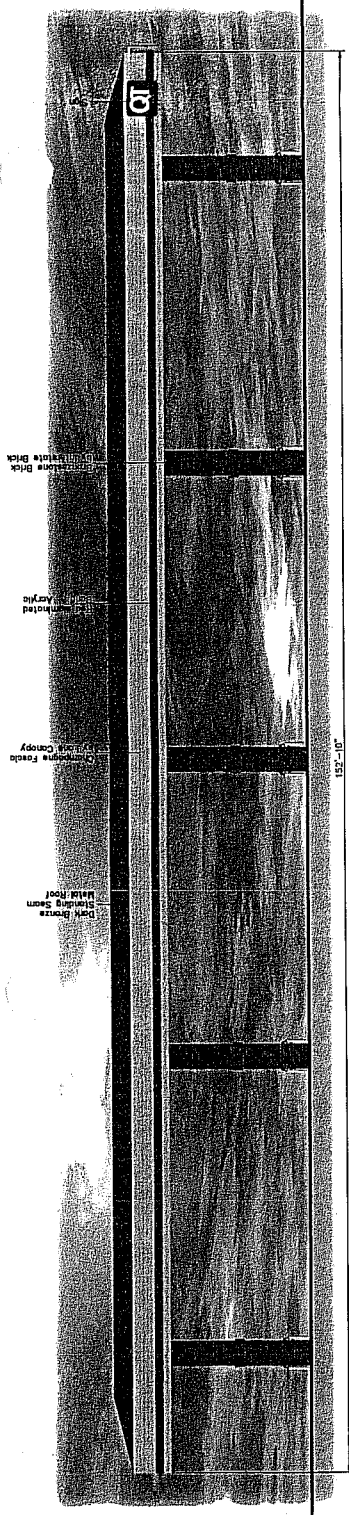
LAND PLANNING

CIVIL ENGINEERING

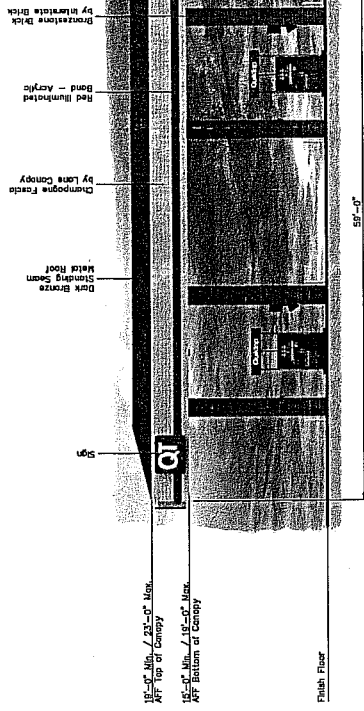
LANDSCAPE ARCHITECTURE

770-641-1942

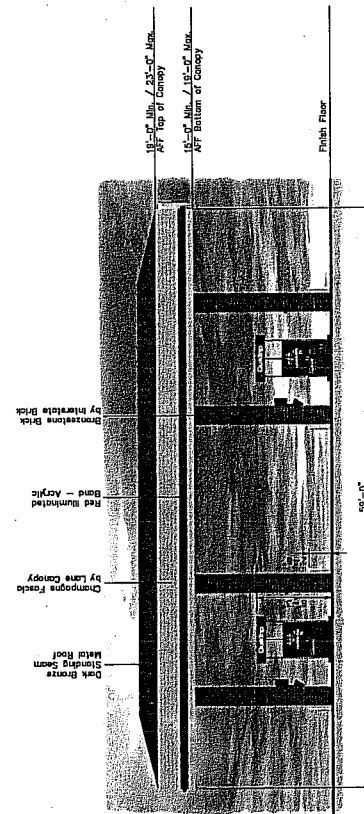
WWW.AECATL.COM



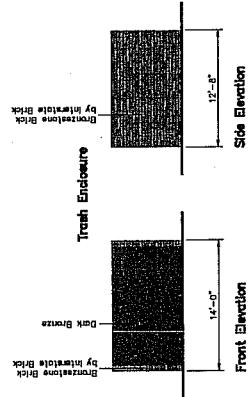
Front Elevation



Right Elevation



Left Elevation



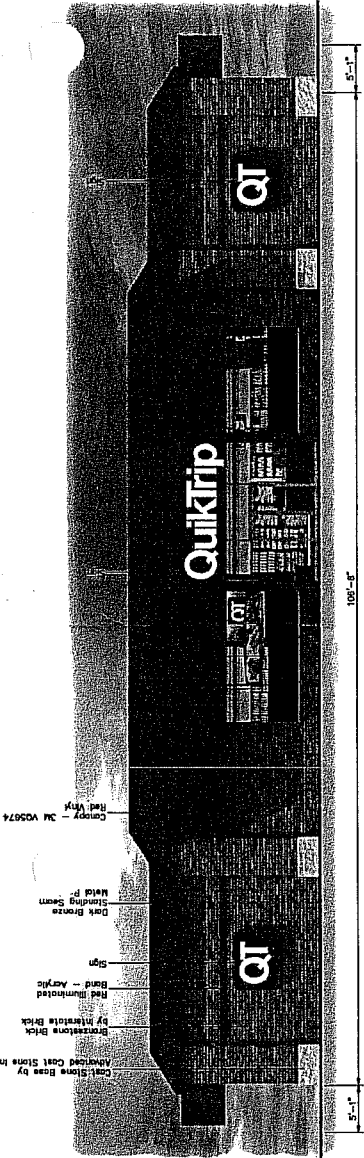
QuikTrip.
 4705 South 22nd West Ave.
 Tulsa, OK 74101-3475
 P.O. Box 3475
 (918) 415-7700

Gas Canopy Elevations

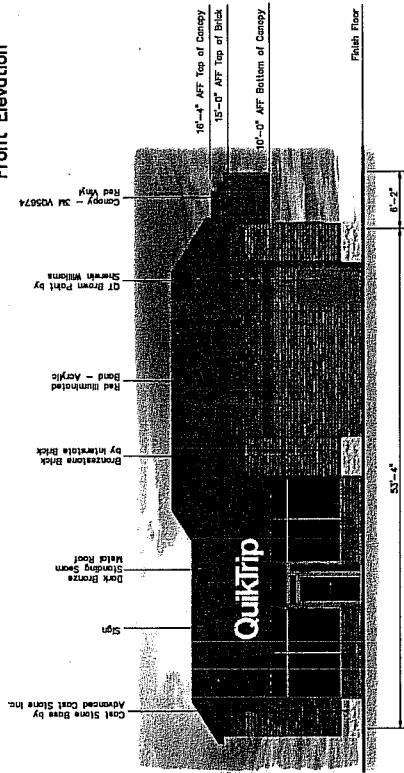
QuikTrip Store No. : 844

Lawrenceville-Suwanee Rd. & Satellite Blvd. Suwanee, GA

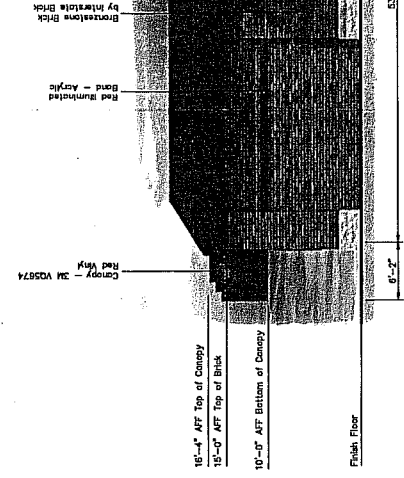
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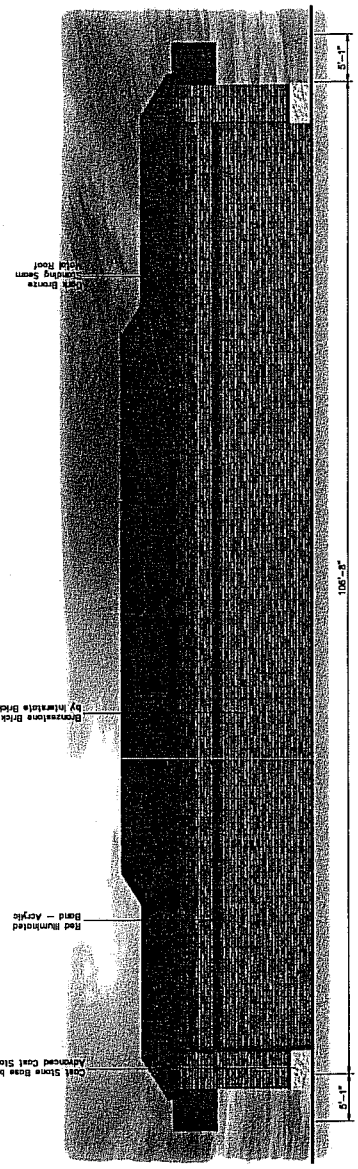
Front Elevation



Left Elevation



Right Elevation



Rear Elevation



QuikTrip.
 4705 South 128th Street, NW
 Atlanta, GA 30345
 P.O. Box 3475
 Atlanta, GA 30388-0347
 (404) 414-7776

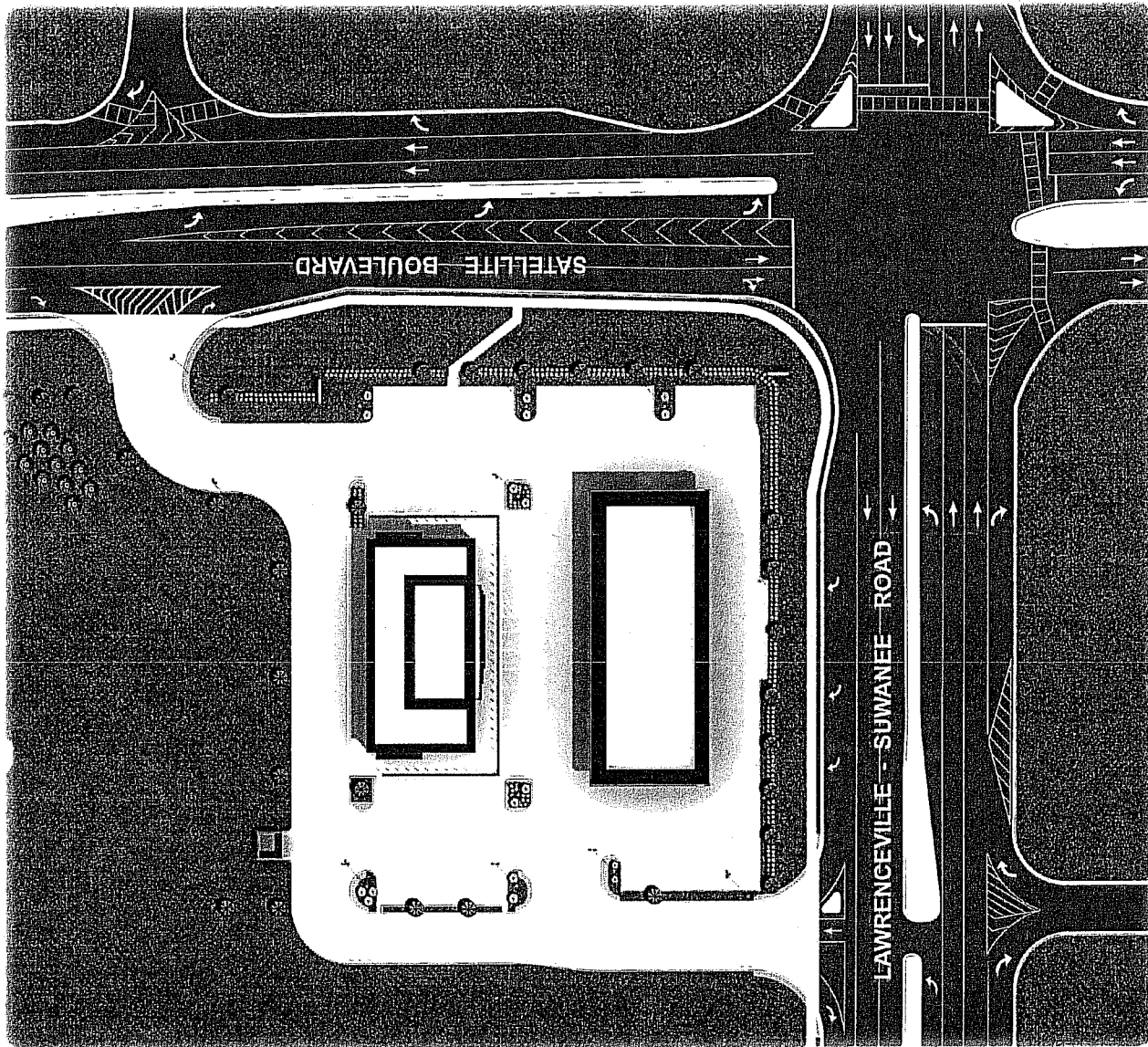
Building Elevations

QuikTrip Store No. : 844

Lawrenceville-Suwanee Rd. & Satellite Blvd.

Suwanee, GA

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 Tulsa, OK 74131-3475
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Site Plan

QuikTrip Store No. :844

Lawrenceville-Suwanee Rd. & Satellite Blvd.Suwanee, GA

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 Tulsa, OK 74134-7008
 Tulsa, OK 74131-3475
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City of Suwanee

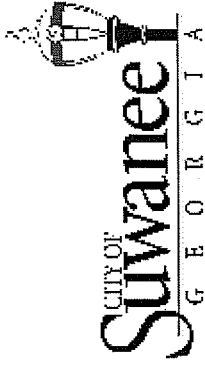
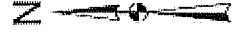


EXHIBIT A RZ-2010-004 & SUP-2010-002

Location Map

Legend

- Current cadastre
- Streets
- SUP-2010-002/RZ-2010-004
- City Limits



City of Suwanee

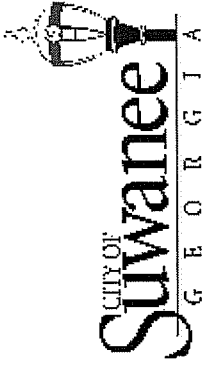


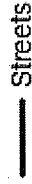
EXHIBIT B RZ-2010-004 & SUP-2010-002

Aerial Map

Legend



Current cadastre



Streets



SUP-2010-002/RZ-2010-004



City Limits

